

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 25, 2003 (Paper No. 5). Claims 1 to 12 are in the application, of which Claims 1, 3, 5, 7, 9 and 11 are the independent claims. Reconsideration and further examination are respectfully requested.

In the Office Action, Claims 1, 3, 5, 7, 9 and 11 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,889,842 (Azami); and Claims 2, 4, 6, 8, 10 and 12 were rejected under 35 U.S.C. § 103(a) over Azami in view of U.S. Patent No. 5,367,522 (Otani). The rejections are respectfully traversed.

Referring to specific claim language, independent Claim 1 describes a communication apparatus connected to an ISDN, which includes a decision means for, when call connection fails, deciding a reason for the failure in connection, and a setting means for setting a timer value used to wait for a predetermined time when the decision means decides a mismatch in communication mode. The communication apparatus also includes a control means adapted for waiting for the predetermined time in response to the decision of a mismatch in communication mode made by the decision means, and then switching the communication mode to another communication mode to try the call connection again.

Independent Claim 3 describes a communication apparatus connected to an ISDN, having a plurality of communication protocols in a B-channel. The communication apparatus includes D-channel control means for controlling a call in a D-channel, and a plurality of B-channel control means for conducting protective controls corresponding to a plurality of communication modes in the B-channel. The communication apparatus

includes decision means for, when call connection by the D-channel control means fails, deciding whether or not call connection should be tried by the D-channel control means again after switching a communication mode in the B-channel to another communication mode. Additionally, the communication apparatus includes a timer control means for waiting for a predetermined time when the decision means decides that the call connection should be tried by the D-channel control means again after the switching to such another communication mode in the B-channel. Furthermore, the communication apparatus includes a control means adapted for switching to another communication mode in the B-channel after waiting for a predetermined time by the timer control means to try the call connection again by the D-channel control means.

In a similar manner, independent Claims 5 and 7 describe the invention in terms of a communication method, and independent Claims 9 and 11 describe the invention in terms of a storage medium.

Azami is not seen to disclose or to suggest the foregoing features of the independent claims, particularly with respect to the feature of waiting for a predetermined time in response to a decision that a call connection failed due to a mismatch in communication modes, and switching the communication mode to another communication mode after waiting for the predetermined period of time. By waiting a predetermined period of time before switching communication mode and re-attempting communication, the present invention largely avoids the problem of connection refusal resulting from a re-attempt to communicate which occurs too quickly after switching into the new communication mode, before the partner communication apparatus with which a connection is sought has a chance to reset.

Azami is seen to disclose a communication system with first and second communication terminals, in which the first communication terminal can detect whether a call to the second communication terminal has been refused due to an incorrect communication mode. If the first communication terminal detects that the wrong communication mode is set, the first communication terminal changes communication modes, and re-attempts the connection. See Azami, Abstract.

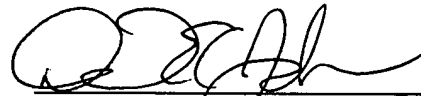
The Office Action alleges that lines 45 to 49 of column 10 of Azami disclose a setting means for setting a timer value used to wait for a predetermined time, when the decision means determines that there is a mismatch in the communication mode. Applicant respectfully disagrees. In particular, the cited portion of Azami states that in order to facilitate communication, the communication mode should be switched in "a sufficiently short time (e.g., about 1 second)." Applicant believes that this statement emphasizes switching the communication mode as quickly as possible, and specifies an upper limit before which communication must be retried. As such it is not seen to describe the feature of waiting for a predetermined time in response to a decision to that a call connection failed due to a mismatch in communication modes, and switching the communication mode to another communication mode after waiting for the predetermined period of time.

Accordingly, based on the foregoing, independent Claims 1, 3, 5, 7, 9 and 11 are clearly not anticipated by Azami. In view of the failings of Azami, there is no need to address the § 103(c) rejections of the dependent claims.

In view of the foregoing remarks, and no other matters being raised in the Office Action, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 50,325

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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